

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Number Resource Optimization)	CC Docket No. 99-200
_____)	

**COMMENTS OF THE INDIANA UTILITY REGULATORY COMMISSION
ON THE THOUSAND-BLOCK NUMBER POOLING SCHEDULE**

The Indiana Utility Regulatory Commission (IURC) submits to the Federal Communications Commission (FCC) these comments in response to the FCC's public notice released on October 17, 2001, seeking comment on the national thousand-block number pooling rollout schedule (Rollout Schedule).

I. Introduction.

The FCC initiated its Number Resource Optimization proceeding¹ because of the rapid exhaust of numbering resources and the resultant negative impact of wide spread area code relief across the North American Numbering Plan (NANP). After exploring a number of options to address this problem, the FCC adopted several number conservation measures, among which nationwide thousand-block number pooling was one.² The FCC established criteria to guide the sequencing of NPAs into which number pooling would be deployed and, now a Rollout Schedule has been developed and released for comment. The IURC offers its comments and suggestions on the Rollout Schedule. The IURC believes that the criteria developed by the FCC for prioritizing NPAs for deployment should be applied. Moreover, in those instances where several NPAs in a given Number Portability Administration Center (NPAC) Region have characteristics that satisfy the same number of FCC's criteria, the FCC should strongly consider each NPA's projected exhaust date, which is not explicitly part of the FCC's criteria, as a relevant factor when determining the NPA's placement in the Rollout Schedule. The IURC believes adherence to the FCC's selection criteria and the consideration of NPA's projected exhaust dates should result in the FCC placing the 765 and the 812 NPAs in earlier phases of the Rollout Schedule.

II. Background

On June 2, 1999, the FCC released a Notice of Proposed Rule Making (NPRM) to examine and address the underlying drivers of area code relief and the concomitant cost and inconvenience to consumers as well as the rapid exhaust of the NANP.³ Simply put,

¹ CC Docket 99-200

² CC Docket 99-200, 1st Report and Order released March 31, 2000.

³ CC Docket No. 99-200, NPRM, released June 2, 1999.

the problem that needed to be addressed was wide spread area code relief and any solution fashioned to address this problem would entail delaying or avoiding further need for area code relief. To this end, the FCC ordered, among other things, nationwide thousand-block number pooling with the express intent to expand the lives of individual NPAs, and as a result extend the life of the NANP. In addition, the FCC found that sufficient cause existed to move forward with nationwide thousand-block number pooling before all carriers are required to be Local Number Portability (LNP) capable.⁴ The FCC recognized that not only could thousand-block pooling delay or avoid area code relief in many NPAs, but also the FCC determined that thousand-block number pooling deployment should be done quickly so as to avoid as much as possible further area code relief. Indeed, the FCC, not wanting to wait for the positive benefits of thousand-block pooling, granted many states, including Indiana, delegated authority to implement state trials of thousand-block pooling.

The FCC articulated that time and resource limitations would necessitate a phased-approach or staggered Rollout Schedule. Although thousand-block number pooling holds the promise to delay area code relief, the FCC determined that it could not be deployed simultaneously throughout the nation. To help guide the placement of NPAs on the Rollout Schedule, the FCC established three general criteria to give proper first consideration of an NPA for the early phases of national thousand-block number pooling deployment. In forming the Rollout Schedule, first priority would be given to NPAs that 1) were located in a top 100 MSA, 2) had a jeopardy status and 3) a projected life of more than a year (FCC's Three Criteria). The FCC said that no priority would be given to NPAs with less than a year of projected life remaining. Moreover, the FCC explicitly

⁴ CC Docket 99-200, 1st Report and Order, released March 31, 2000, ¶¶122, 123, & 127

declined, at that time, to specify any additional criteria to guide the placement of individual NPAs in the Rollout Schedule.⁵

III. Additional Considerations May Be Useful in Rollout Schedule

While the FCC's Three Criteria are certainly useful in formulating the Rollout Schedule, these considerations may not provide sufficient guidance to ensure that the Rollout Schedule adequately reflects the ultimate goals of thousand-block number pooling, the delay and avoidance of area code relief. Thus, it may be useful for the FCC to consider other factors that provide further insight into opportunities to target the effort to delay and avoid area code relief through the use of thousand-block number pooling. These additional considerations are not inconsistent with the FCC established criteria, but rather are a logical extension of them. The FCC has already recognized through the "jeopardy" criteria that those NPAs at the greatest risk of area code exhaust should be given priority for early placement on the Rollout Schedule.

The FCC also acknowledged that some NPAs may have such an immediate need of area code relief that prioritized rollout of thousand-block number pooling is not justified and thus those NPAs will not be given priority treatment on the Rollout Schedule. Just as a NPA's projected exhaust date, when less than a year, can be used to exclude that NPA from priority consideration, the projected exhaust date of all NPAs should be considered when placing NPAs in the Rollout Schedule. When several NPAs satisfy the same number of Three Criteria (e.g. located in the top 100 MSA and has more than a year left but not in "jeopardy"), the FCC should consider a NPA's projected exhaust date as a deciding factor indicating risk of area code relief. Although similarly situated with respect to the FCC Three Criteria, such NPAs most certainly do not face the

⁵ Id., ¶ 161-162.

same risk of area code relief. The projected exhaust date is the clearest indicator of area code relief risk. The IURC suggests that the proximity of a NPA's projected exhaust date provides an additional suitable objective criterion to determine that NPA's placement on the Rollout Schedule to maximize the reduction and avoidance of area code relief.

The IURC agrees that any NPA that meets the Three Criteria should occupy a slot in the beginning stages of the Rollout Schedule. Furthermore, consistent with the IURC recommendations to consider the proximity of exhaust date, the initial NPAs on the Rollout Schedule could be further prioritized among themselves according to their projected exhaust dates. However, once all NPAs satisfying all Three Criteria are placed at the beginning of the Rollout Scheduled, the FCC should next consider the placement of any NPAs satisfying the top 100 MSA criteria and the requirement that the NPA has a projected life longer than a year, although not yet in "jeopardy". Since these NPAs are not in "jeopardy", which indicates a looming and urgent need for area code relief, priority ranking can be assigned based on exhaust date, understanding NPAs with nearer exhaust dates, as a matter of course, are at greater risk of area code relief by comparison.

Such an approach will not definitively resolve the determination of rankings of NPAs with identical or similar projected exhaust dates, but it furthers the goal of delaying or avoiding area code relief by recognizing that those NPAs at greatest risk are those with shorter projected lives. Such an approach could be utilized for the entire Rollout Schedule; however the IURC only concerns itself in these comments with specific requests for modifications on the basis of this approach in the Midwest NPAC Region.

IV. Specific Modifications to the Rollout Schedule

The state of Indiana currently has four NPAs: 219, 317, 765 and the 812. Pursuant to delegated authority, thousand-block number pooling in state trials is

scheduled to begin for the 219 and 317 NPAs in December 2001 and January 2002, respectively. A review of the Rollout Schedule released by the FCC for comment, and later clarified by NeuStar, reveals that Indiana is the only state in the Midwest NPAC Region without a single NPA as part of the first year of the Rollout Schedule. Yet, a number of the NPAs that are currently scheduled in the first year of national thousand-block number pooling have much longer projected lives in comparison to the Indiana NPAs. Additionally, there are a number of NPAs scheduled for the first year of the Rollout Schedule that have projected lives of less than a year, in spite of the stated FCC policy that no priority would be given to such NPAs. The IURC hereby requests that the Rollout Schedule be modified to more accurately reflect the Commission's directives on deployment of thousand-block number pooling. This can be accomplished through the reprioritization of those two groups of NPAs: those with less than a year that currently occupy slots in the early phases of the Rollout Schedule and those with projected exhaust dates of all NPAs that are similarly situated with regard to the FCC Three Criteria. Specifically, the IURC requests a placement of the 765 and the 812 in an earlier phase of the Rollout Schedule based on this approach.

According to the 2001 Numbering Resource Utilization and Forecast (NRUF) and NPA Exhaust Analysis, the 765 and the 812 NPAs both have projected lives of more than year, with projected exhaust dates in the 3rd quarter of 2004 and the 4th quarter of 2004, respectively. Both of these NPAs have portions of the top 100 MSAs included within their boundaries. As such, these NPAs satisfy two of the FCC's Three Criteria. Yet, neither of these NPAs appear on the Rollout Schedule until the 5th quarter after the start of the national rollout or the 3rd quarter of 2003, if the national rollout begins in the 2nd quarter of 2002, as currently scheduled.

While these NPAs have exhaust dates that are approximately three years away and are not currently in “jeopardy”, the IURC is aware industry activities that typically precede the filing of a request for area code relief have already taken place or are planned to take place shortly for these NPAs. Namely, the industry has conducted an industry area code relief meeting for the 765 NPA and has another such meeting scheduled for the 812 NPA in December 2001. In light of these activities, the IURC believes these NPA’s projected exhaust dates justify placement of these NPAs in the early stages of the Rollout Schedule. Of the NPAs on the Rollout Schedule in the Midwest NPAC Region, there are no fewer than four NPAs that are similarly situated with regard to the FCC Three Criteria as the 765 and the 812 NPAs. The others are scheduled ahead of the 765 and the 812 NPAs despite having longer projected lives.⁶ The IURC does not dispute the usefulness of thousand-block number pooling in these four NPAs, but merely submits that the 765 and 812 NPAs by virtue of the relative nearness of their projected exhaust dates are at greater risk of area code relief and should be in early phases of the Rollout Schedule. Based on their current placement, the 765 and the 812 NPAs will be within one year of their projected life when thousand-block number pooling is deployed.

According to the Rollout Schedule, all NPAs currently listed on the Rollout Schedule will have begun number pooling no later than the 8th quarter after the start of the national thousand-block rollout. Given this fact, some of those NPAs that satisfy no more of the Three Criteria and that have longer lives than 765 and 812 could be moved to the end of the Rollout Schedule and still be over six years from their projected exhaust.⁷

⁶ 414 NPA: projected exhaust date of 1st quarter of 2010; 517 NPA: projected exhaust date of 4th quarter of 2007; 216 NPA projected exhaust date of 3rd quarter of 2005; 989 NPA projected exhaust date of 4th quarter of 2012; 330/234 NPA projected exhaust date of 3rd quarter of 2012

⁷ This is the worst-case scenario. Given that there are NPAs on the Rollout Schedule that only satisfy one of the FCC Three Criteria, it is doubtful that NPA stratifying two of the criteria should be last on the schedule.

Clearly, the 765 and the 812 NPAs are in comparatively greater risk of area code relief, warranting an earlier placement in the Rollout Schedule compared to these other NPAs.

V. Conclusion

The IURC believes it is consistent with the goal of thousand block number pooling- to delay or avoid area code relief – to move the 765 and the 812 NPAs into the earlier phases of the Rollout Schedule without detriment to other NPAs in the Midwest NPAC Region. The IURC asks that the FCC adjust the Rollout Schedule to allow for the earlier placement of the 765 and the 812 NPAs so as to improve the chances of delaying or avoiding area code relief in these NPAs.

Respectfully submitted,

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